

Serial No. 10/091,610
Amendment dated November 4, 2005
Response to Office Action of June 6, 2005
Docket No. 7001-11

REMARKS

The Examiner issued the Action dated June 6, 2005 rejecting all pending claims 9-10-22. The Examiner rejected claims 9-10 and 19-22 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 4,635,814 to *Jones* in view of United States Patent No. 5,217,138 to *Nichols*. The Examiner concluded that it would have been obvious to one of ordinary skill in the art to combine the teachings of *Jones* and *Nichols* to yield the claimed invention.

Claims 9-10 and 19-22 are pending in the present application. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

I. REJECTION OF CLAIMS 9-10 AND 19-22 UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 9-10 and 19-22 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 4,635,814 to *Jones* in view of United States Patent No. 5,217,138 to *Nichols*. The Examiner stated that *Jones* discloses a container with two fitments but admitted that *Jones* does not teach that the openings in the fitments are differently sized. The Examiner further stated that *Nichols*, as shown in Figures 1 and 4, discloses a container with two fitments with a reducer bushing in a second opening. The Examiner concluded that it would have been obvious to one of ordinary skill in the art to combine the bushing in the second opening of *Jones* to accept a threaded vent

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means to further restrict the opening disclosed in *Nichols*. The Examiner stated that concerning claims 9 and 10, *Jones* discloses a flange in Figures 1 and 6 having a projection and an engagement structure. In addition, the Examiner stated that as concerning claims 19 and 20, *Jones* discloses the limitations in Figures 1 and 6.

Independent claim 21 provides, in part, "an interface detachably engaged to the container, wherein the interface has a notch having predetermined dimensions for receiving a first fitment apparatus and a second fitment apparatus, the first fitment apparatus having a first opening integrally formed in the first fitment and a first fitment outer perimeter and the second fitment apparatus having a second opening integrally formed in the second fitment and a second fitment outer perimeter . . ." (emphasis added). Similarly, independent claim 22 provides in relevant part, "providing a first fitment apparatus having a first opening integrally formed in the first fitment and a first fitment outer perimeter; providing a second fitment apparatus having a second opening integrally formed in the second fitment and a second fitment outer perimeter . . ." (emphasis added). The claimed interchangeable fitment system includes a first and second fitment, each having an opening that is integrally formed within the respective fitment. In stark contrast, the openings disclosed in *Nichols* do not disclose first and second fitments, each having an opening that is integrally formed within the respective fitment. Rather, *Nichols* discloses an opening in a lid having a threaded connection mechanism capable of receiving a bushing. A bushing is not integrally formed within the fitment. Instead, the

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bushing disclosed in *Nichols* is releasably attached to the fitment through use of the threaded connection mechanism. Thus, *Nichols* does not disclose first and second fitment, each having an opening that is integrally formed within the respective fitment. For at least this reason, independent claims 21 and 22, and claims 9, 10, 19, and 20 depending therefrom, are allowable, and the Examiner is respectfully requested to withdraw the rejection and issue a Notice of Allowance.

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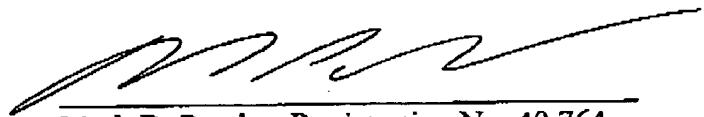
II. CONCLUSION

For at least the reasons given above, claims 9-10 and 19-22 define patentable subject matter and are allowable. Accordingly, Applicants respectfully request allowance of these claims.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,



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